

Message Text

CONFIDENTIAL

PAGE 01 USBERL 00451 100902Z

15

ACTION EUR-12

INFO OCT-01 ISO-00 IO-10 NIC-01 SAJ-01 CIAE-00 DODE-00

PM-03 INR-07 L-02 NSAE-00 NSC-05 PA-01 PRS-01 SP-02

SS-15 USIA-06 /067 W

----- 103401

R 100830Z MAR 75

FM USMISSION USBERLIN

TO SECSTATE WASHDC 603

INFO AMEMBASSY BONN

AMEMBASSY LONDON

AMEMBASSY MOCSOW

AMEMBASSY PARIS

USMISSION NATO

USEC BRUSSELS 520

C O N F I D E N T I A L USBERLIN 451

E.O. 11652: GDS

TAGS: PGOV, WB, GW, EC

SUBJECT: EC VOCATIONAL CENTER

REFS: (A) BONN 3826 (B) USBERLIN 413

1. SUMMARY: IN REGARD TO EC REGULATION ESTABLISHING VOCATIONAL CENTER (REF A) WE CONTINUE TO BELIEVE SIMPLER LOW KEY BK/L AS SUGGESTED REF B WOULD BE SUFFICIENT TO SAFEGUARD ALLIED POSITION. WE ALSO BELIEVE THAT PROPOSAL TO MERGE ALLIED DOCUMENT ON VOCATIONAL CENTER WITH LONGER-TERM PROJECT ON GENERAL EC-BERLIN-ALLIED RELATIONSHIPS MIGHT COMPLICATE AND DELAY BOTH PROJECTS. END SUMMARY.

2. HAVING HAD OPPORTUNITY TO STUDY EC REGULATION WE CONTINUE TO BELIEVE THAT BK/L LIMITED TO ESTABLISHMENT OF VOCATIONAL CENTER QUESTION IS ALL THAT IS IMMEDIATELY REQUIRED. THIS BK/L SHOULD: (A) "TAKE NOTE AND RAISE NO OBJECTION TO" ESTABLISHMENT OF
CONFIDENTIAL

CONFIDENTIAL

PAGE 02 USBERL 00451 100902Z

VOCATIONAL CENTER, THUS INDICATING THAT WE HAVE PREFORMED

OUR SUPERVISORY ROLE: (B) NOTE THAT OUR RESERVED RIGHTS AND RESPONSIBILITIES, INCLUDING THOSE DEALING WITH PRIVILEGES AND IMMUNITIES ARE NOT AFFECTED: AND (C) REQUEST SENAT TO KEEP US INFORMED PROMPTLY OF DEVELOPMENTS, THUS INDICATING OUR DESIRE TO HAVE TIMELY CONSULTATIONS ON EC MATTERS OF POLITICAL SIGNIFICANCE. WE WOULD FAVOR DEFERRING LARGER QUESTION OF HOW TO DEAL IN FUTURE WITH MATURE EC FOR SUBSEQUENT BK/L WHICH WOULD FLEST OUT EXISTING BK/L(57)41. THIS FOLLOW-ON BK/L MIGHT DEAL WITH: (A) EXTENSION OF EC TREATIES, PERHAPS BY UTILIZING IN SOME FORM PROCEDURES SIMILAR TO STHOSE ESTABLISHED UNDER BKC/L(52)6 FOR FRG TREATIES: (B) APPLICABILITY IN BERLIN OF EC REGULATIONS; AND (C) TIMELY CONSULTATION ON POLITICALLY SENSITIVE MATTERS. DISADVANTAGE OF TEXT SUGGESTED REF A IS THAT IT APPEARS OVERLY DEFENSIVE AND COULD LEAD TO CONTROVERSY WITH FRG. MOREOVER, SINCE IT WOULD DEAL WITH COMPLEX AND RATHER SENSITIVE MATTER OF BASIC EC-BERLIN RELATIONS , REQUIRING CONSIDERABLE DISCUSSION WITH ALL INTERESTED PARTIES, ISSUANCE OF B/L ON VOCATIONAL CENTER COULD BE DELAYED.

3. OUR READING OF EC COUNCIL OF MINISTERS REGULATION AND OUR INTERPRETATION OF EXISTING EC-BERLIN-ALLIED KOMMANDATURA RELATIONSHIP IS SOMEWHAT DIFFERENT FROM REF A. BK/L(57)41 APPROVED EXTENSION OF TREATY OF ROME TO BERLIN, RESERVING FOR ALLIED RIGHT TO DETERMINE WHEN PARTICULAR EC ACT PURSUANT TO TREATY OF REOME WAS INCONSISTENT WITH SPECIAL STATUS OF BERLIN OR ALLIED RIGHTS AND RESPONSIBILITY AND TO TAKE APPROPRIATE ACTION WHEN SUCH DETERMINATION MADE. ALLIES ALSO PROVIDED THAT EC REGULATIONS WOULD COME INTO FORCE IN BERLIN IN SAME MANNER AS FRG REGULATIONS, I.E. NOT IMMEDIATELY UPON PROMULGATION BY EC BUT ONLY AFTER PUBLICATION IN BERLIN GESETZUNDVERORDNUNGSBLATT. ARTICLE 235 OF TREATY OF ROME, UNDER WHICH VOCATIONAL CENTER REGULATION WAS PROMULGATED, IS INTEGRAL PART OF TREATY AND MUST BE DEEMED TO BE INCLUDED WITHIN SCOPE OF SUPERVISORY SYSTEM ESTABLISHED BY BK/L(57)41. IN EFFECT THAT ARTICLE SAYS THAT COUNCIL CAN TAKE STEPS UNDER IT TO ACCOMPLISH OBJECTIVE OF EC FOR WHICH NO CONFIDENTIAL

CONFIDENTIAL

PAGE 03 USBERL 00451 100902Z

OTHER ARTICLE OF TREATY PROVIDES EXPLICIT POWER. ANY ACTION TAKEN UNDER ARTICLE 235, THEREFORE, IS LEGAL ACTION OF ECN, SUBJECT TO REVIEW BY KOMMANDATURA PURSUANT TO BK/L(57)41 AND SUBJECT IF NECESSARY TO REMEDIAL OR RESERVING ACTION OF KOMMANDATURA.

4. BY THIS READING, EC MINISTERS ACTED LEGALLY IN ADOPTING REGULATION PROVIDING FOR ESTABLUSMENT OF

VOCATIONAL CENTER IN BERLIN. REGULATION COMES INTO FORCE NOT IMMEDIATELY UPON PUBLICATION IN EC JOURNAL BUT ONLY UPON PUBLICATION IN BERLIN GAZETTE. LATTER PUBLICATION HAS NOT OCCURRED. REGULATION IS NOT YET IN FORCE HERE. INSTEAD COPY OF REGULATION HAS BEEN MADE AVAILABLE TO KOMMANDATURA FOR REVIEW AS PROVIDED BY BK/L(57)41. IF WE CONSIDER ACT OF EC MINISTERS IN ANY WAY INCONSISTENT WITH STATUS OF BERLIN OR ALLIED RIGHTS AND RESPONSIBILITIES WE HAVE OPPORTUNITY TO TAKE REMEDIAL ACTION. IF WE DO NOT CONSIDER IT IMPROPER, STRICTLY SPEAKING WE NEED DO NOTHING.

WE AGREE, HOWEVER, THAT EARLY BK/L ON VOACTIONAL CENTER IS DESIRABLE TO MAKE ESSENTIALLY POLICIAL POINTS. IN REGARD TO ITS LANGUAGE, WE ARE CONCERNED THAT IF WE SAY ALLIES MUST "AUTHORIZE" ESTABLISHMENT OF OFFICE, THERE WOULD BE STRONG IMPLICATION THAT EC ACTION WAS, EXCEPT FOR ALLIED ENABLING ACTION, ILLEGAL. (THERE IS, IN THIS REGARD BASIC DIFFERENCE IN THIS SITUATION AND ONE EXISTING IN FALL OF 1973 WHEN ALLIES HAD TO ISSUE/BK/O TO AUTHORIZE ESTABLISHMENTI IN BERLIN OF FRG'S PROVISIONAL ENVIRONMENT OFFICE. AT THAT TIME, FRG MINISTRY OF INTERIOIR HAD PROPOSED TO ESTABLISH PROVISIONAL OFFICEON BASIS OF MINISTER OF INTERIOR'S OWN AUTHORITY WITHOUT REFERENCE TO ANY LOW OR AGREEMENT VALID IN BERLIN.)

5. WITH REGARD TO PRIVILEGES AND IMMUNITIES, NOTED REF B, 1965 EC PROTOCOL ON PRIVILEGES AND IMMUNITIES WAS ACCEPTED BY ALLIES FOR EXTENSION TO BERLIN BY BK/L(65)51. MEMBERS OF BRANCH EC INFORMATION OFFICE BENEFITTED FROM IT SINCE THAT OFFICE WAS ESTABLISHED HERE IN 1968. REFERENCE TO PROTOCOL IN ARTICLE 16 OF REGLATION ESTABLISHING VOCATIONAL CENTER MEANS THAT MEMBERS OF VOCATIONAL CENTER CONFIDENTIAL

CONFIDENTIAL

PAGE 04 USBERL 00451 100902Z

WILL HAVE PRIVILEGES AND IMMUNITIES OF EC PROTOCOL UNLESS ALLIES RAISE OBJECTION OR IMPOSE LIMITATION; IT DOES NOT PREEMPT OUR BASIC RIGHT TO DECIDE PRIVILEGES AND IMMUNITY QUESTIONS ON VOCATIONAL CENTER AND ITS PERSONNEL, WHICH HAS BEEN RESERVED IN MAY 1955 DECLARATION ON BERLIN AND IN BK/L(57)41 AND WOULD BE RESERVED AGAIN IN BK/L VOCATIONAL CENTER. ALSO ALLIES WILL HAVE ADDITIINAL OPPORTUNITY TO CONSIDER PRECISE NATURE OF PRIVILEGES AND IMMUNITIES WHICH VOCATIONAL CENTER AND ITS EMPLOYEES SHOULD HAVE WHEN EC MINISTERS ADOPT MORE DETAILED IMPLEMENTING REGULATION ON OPERATION OF VOCATIONAL CENTER, WHICH EC INFORMATION OFFICE ADVISES US WILL PROABLY BE DONE LATER IN MARCH.

6. WE HAVE IMPRESSION THAT THERE IS GENERAL ALLIED AGREEMENT THAT NEW BK/L IS NEEDED TO DEAL WITH QUESTIONS

OF TREATIES, REGULATIONS AND POLITICAL CONSULTATIONS.
WE HAVE MADE PROGRESS TOWARD DEFINING COMMON POSITION HERE.

(VARIOUS LEGAL COMMITTEE WORKING DOCUMENTS
HAVE BEEN POUCHED EMB AND DEPARTMENT), BUT WE ARE NOT OPTIMISTIC
THAT IT WILL BE POSSIBLE TO REFINED THIS SORT OF
COMPREHENSIVE DOCUMENT RAPIDLY.

7. IN SUMMARY, WE SEE FOLLOWING NEEDS VISA-VIS VOCATIONAL
CENTER: (A) PUT IN MARKER WITH SENAT, FRG AND EC THAT WE
SHOULD BE CLOSELY CONSULTED ON QUESTIONS OF POLITICAL
SIGNIFICANCE SUCH AS VOCATIONAL CENTER; (B) TAKE SOME ACTION
TO WHICH WE CAN MAKE REFERENCE AS PROOF THAT WE ARE EXERCISING
OUR SUPERVISORY AND CONTROL FUNCTION WHEN AND IF WE NEED
DO MORE THAN WE HAVE ALREADY DONE WITH SOVIETS. WE DO NOT
BELIEVE BK/O NEED ACCOMPAN BK/L TO SERVE THESE PURPOSES.

TO BE SURE BK/L WOULD NOT BE PUBLIC DOCUMENT, AND WE WOULD NORMALLY
NOT WISH TO MAKE IT AVAILABLE TO SOVIETS, BUT IT WOULD BE CON-
SISTENT WITH OUR CUSTOMARY PRACTICE OF SAFEGUARDING OUR LEGAL
POSITION VISA-VIS SOVIET ACTION WITH PRIVILEGED
KOMMANDATURA-SENAT DOCUMENT TO WHICH WE COULD MAKE
GENERAL REFERENCE. BK/O, ON OTHER HAND, WOULD SUGGEST
ALLIED UNEASINESS ABOUT PROPRIETY OF STEP TAKEN BY EC
WHICH WE DO NOT BELIEVE JUSTIFIED AND COULD ENCOURAGE
CONFIDENTIAL

CONFIDENTIAL

PAGE 05 USBERL 00451 100902Z

SOVIETS TO BELIEVE THEY HAD STRUCK BLOOD IN THEIR
INITIAL EXPRESSIONS OF DISPLEASURE. FINALLY, LOW-KEY
TREATMENT OF VOCATIONAL CENTER BY ALLIES THROUGH SIMPLE
BK/L SHOULD MAKE IT EASIER FOR US TO DEVISE AND GAIN
GENERAL ACCEPTANCE FOR SUBSEQUENT BK/L SETTING FORTH
TIGHTER GUIDELINES IN FUTURE ON EC ACTIVITIES.

8. OUR RECOMMENDATION, THEREFORE, IS THAT BERLIN MISSIONS PREPARED
AS SOON AS POSSIBLE BK/L ON VOCATIONAL CENTER OF SORT
OUTLINED PARA 2 ABOVE AND THEN DRAFT BK/L ON GENERAL
RELATIONSHIPS WITH EC. BOTH TEXTS WOULD, OF COURSE,
BE REFERRED TO EMBASSIES AND CAPITALS FOR APPROPRIATE REVIEW. GEORGE

CONFIDENTIAL

NNN

Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: VOCATIONAL TRAINING, ESTABLISHMENT OF OFFICES
Control Number: n/a
Copy: SINGLE
Draft Date: 10 MAR 1975
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: ElyME
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1975USBERL00451
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: GS
Errors: N/A
Film Number: D750083-0071
From: USBERLIN
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1975/newtext/t19750364/aaaacgeo.tel
Line Count: 213
Locator: TEXT ON-LINE, ON MICROFILM
Office: ACTION EUR
Original Classification: CONFIDENTIAL
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 4
Previous Channel Indicators: n/a
Previous Classification: CONFIDENTIAL
Previous Handling Restrictions: n/a
Reference: 75 BONN 3826, 75 USBERLIN 413
Review Action: RELEASED, APPROVED
Review Authority: ElyME
Review Comment: n/a
Review Content Flags:
Review Date: 15 APR 2003
Review Event:
Review Exemptions: n/a
Review History: RELEASED <15 APR 2003 by ShawDG>; APPROVED <22 SEP 2003 by ElyME>
Review Markings:

Margaret P. Grafeld
Declassified/Released
US Department of State
EO Systematic Review
05 JUL 2006

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: EC VOCATIONAL CENTER
TAGS: PGOV, WB, GE, EEC
To: STATE
Type: TE
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 05 JUL 2006